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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/990,096    12/12/97    PICHER-DEMPSEY    H    06592.0044-0

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LM02/0522

EXAMINER

NGUYEN, H

ART UNIT

PAPER NUMBER

2738

DATE MAILED:

05/22/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/990,096

Applicant(s)

Dempsey

Examiner

Hanh Nguyen

Group Art Unit

2738



☐ Responsive to communication(s) filed on \_\_\_\_\_

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-18 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on May 12, 1900 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, it is not clear what is meant by establishing a session request.

Claims 12 -16 are rejected because they depend on claim 11.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 17 and 18, are rejected under 35 USC 103(a) as being unpatentable over

**Crawley et al.** (US Pat. No. 5,995,503) in view of **Chang et al.** (US Pat. No. 5,958,016).

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- Regarding claims 1, 6, 17 and 18, **Crawley et al.** discloses, in Fig.1, a network configuration with multiple hosts and multiple routers connected as shown. Refer to Fig.8, host H1 (Fig.1) establishes a communication path by requesting a QoS for a data flow to host H4 (Fig.1) at step 170 (receiving a request for establishing a communication path ). See col.7, lines 28-33. The request is routed through different routers before getting to the destination host at step 174. The destination host, after receiving the QoS requirement, sends a QoS request at step 175 to the original host to reserve the bandwidth for transmitting information (sending to original router a message which includes a request to reserve resources/bandwidth for transmitting information). See col.7, lines 32-44. The bandwidth reservation request is routed to original host via routers, and each of the routers determines at steps 178 and 184 whether the resource/bandwidth is available for the QoS request. If the original router is determined by routing table 130 and data base 132 (Fig.2) that its resource/bandwidth is available, the original host reserves the request resources/bandwidth (monitoring the original router to determine whether sufficient resources/bandwidth exist to establish communication path ). See col.7, lines 45-67 and col.4, lines 24-30. **Crawley et al.** does not disclose means for determining user authorization and access level. **Chang et al.** discloses, in Fig.5, operations of firewall 251. The firewall 251 includes an access control 528 and a database 529. The access control 528 uses the database 529 to verify and authenticate predetermined users who access the platform 25(Fig.1) through the public data network 27 as valid subscribers on the telephone network ( means for determining user authorization and access level). See col.15, lines 10-25. Therefore, it would

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have been obvious to one having ordinary skill in the art at the time the invention was made to use the firewall 251 as disclosed by **Chang et al.** into the network as disclosed by **Crawley et al.** to arrive at the claimed invention. The using of firewall prevent unauthorized users from accessing security network.

- Regarding claim 11, this claim is directed to the same subject matter in claim 1. In addition, **Crawley et al.** discloses, in Fig.1, that a router 100 is connected to a host H1 via an interface 120 (an originating router coupled to a host in a first LAN). See col.3, lines 60-67.

- Regarding claims 2, 7 and 12, the limitations of these claims are addressed in claim 1 above.

- Regarding claims 3, 8 and 13, **Crawley et al.** discloses, in Fig.9, a flag ( or a parameter) in the mechanism requesting the QoS routing for each router (parameters for transmitting information along the communication path in accordance with the QoS ). See col.8, lines 52-56.

- Regarding claims 5, 10 and 15, the limitation of these claims are addressed in claim 1 above.

- Regarding claims 4, 9 and 14, **Crawley et al.** does not disclose message presented to the original router as a Telnet message. However, it is well known in the art that the Telnet is used as a protocol that enables an Internet user to log on and enter commands on a remote computer links to the Internet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Telnet protocol in **Crawley et al.** 's reference to send

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a message that includes a request for the original router to reserve resources/bandwidth necessary to transmit from the original host in accordance with the QoS request.

**Claim 16 is rejected under 35 USC 103(a) as being unpatentable over Crawley et al. (US Pat. No. 5,995,503) in view of Chang et al. (US Pat. No. 5,958,016), and further in view of Arango (US Pat. No. 5,732,078).**

- Regarding claim 16, **Crawley et al.** does not disclose a database server for checking whether the set up request is authorized. **Arango** discloses, in Fig.8, the route controller agent 420 that can reject requests from certain sources (hosts) or reject requests not made by a selected list of sources (database) by consulting locally stored information regarding security and other issues in determining whether or not to accept the request ( a database server for checking whether the set up request is authorized). See col.16, lines 50-65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of **Arango** with the teaching of **Crawley et al.** to arrived at the claimed invention in order to protect the security of work stations from the access of unauthorized users.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Butman et al. ( US Pat. No. 5,870,562) discloses a Universal Domain Routing and Publication Control System.

- Nessett et al. ( US Pat. No. 5,968,176) discloses a Multilayer Firewall System.

- Hoffman et al. (US. Pat. No. 6,012,039) discloses a Tokenless Biometric Electronic Rewards System.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is (703) 306-5445. The examiner can normally be reached on Monday-Friday from 8:00AM to 5:30 PM.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to :**

Commissioner of Patents and Trademarks

Washington D.C. 20231

**or faxed to :** (703) 308-6743 or (703) 305-3988

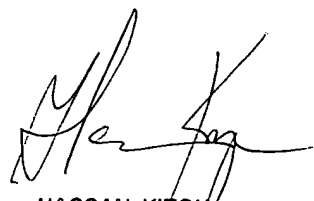
**For informal or draft communications, please label "PROPOSED" or "DRAFT"**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Dr.

Arlington VA, Sixth floor (Receptionist)

Hanh Nguyen

  
May 11, 2000

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700